

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

SRI VENKATESWARA LOTUS TEMPLE OF VIRGINIA, SPA 2004-SP-052 Appl. under Sect(s). 3-C03 of the Zoning Ordinance to amend SP 2004-SP-052 previously approved for a place of worship to permit modification of development conditions. Located at 12501 and 12519 Braddock Rd. on approx. 15.64 ac. of land zoned R-C and WS. Springfield District. Tax Map 66-2 ((1)) 24 and 25. Mr. Hammack moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on June 16, 2009; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The applicant is in for an amendment to a place of worship for a modification of previously approved development conditions, dealing with only one development condition to extend the three-year approval of the temporary trailers for another five years from the date of the amendment approval.
3. There were reservations shared amongst the Board members about having a temporary trailer become a de facto permanent trailer.
4. Given the amount of investment that the temple has already put into the site and the unusual economy, the five-year extension would be allowed.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant only, Sri Venkateswara Lotus Temple of Virginia, and is not transferable without further action of this Board, and is for the location indicated on the application, 12501 and 12519 Braddock Road, and is not transferable to other land.
2. This special permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit plat prepared by Professional Design Group, Inc., dated May 6, 2004, as revised through October 4, 2005.
3. A copy of this special permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This special permit is subject to the provisions of Article 17, Site Plans. Any plan submitted to the Department of Public Works and Environmental Services (DPWES) pursuant to this special

permit, shall be in substantial conformance with these conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.

5. The maximum number of worshippers in the main area of worship shall be 364.
6. Parking shall be provided as depicted on the Special Permit Plat, except as modified by Condition 25.
7. All parking shall be provided on-site, except as otherwise provided in these development conditions. No parking shall be permitted on Braddock Road or other local streets. In the event parking cannot be completely accommodated on-site, the applicant shall provide a shuttle service to transport worshippers to and from the subject property from an approved legal off-site parking location. Such off-site parking location shall be approved by the Zoning Administrator.
8. Transitional screening shall be modified along all lot lines to permit existing vegetation to satisfy the requirements, but shall be supplemented as shown on the plat, with the following modifications:
 - Additional plantings shall be provided along the eastern lot line adjacent to the proposed stormwater management pond, and in the northwestern portion of Lot 24, to screen the view of the developed area from Braddock Road. Additional plantings shall be provided along the western lot line (Lot 25) between the parking lot and the western lot line to supplement existing vegetation to screen the parking lot from the adjacent residential use if deemed necessary by Urban Forestry Management (UFM). The size, species and location of plantings shall be provided in consultation with UFM.
9. Foundation plantings and shade trees shall be provided around the church building to soften the visual impact of the structures. The species, size and location shall be determined in consultation with UFM of DPWES.
10. Parking lot landscaping shall be provided in accordance with Article 13 of the Zoning Ordinance.
11. The barrier requirement shall be waived along all lot lines.
12. The limits of clearing and grading shall be the minimum amount feasible as determined by DPWES and shall be no greater than shown on the special permit plat. Prior to any land disturbing activity, a grading plan which establishes the limits of clearing and grading necessary to construct the improvements shall be submitted to DPWES, including UFM, for review and approval. Prior to any land disturbing activities, a pre-construction conference shall be held on-site between DPWES, including UFM, and representatives of the applicant to include the construction site superintendent responsible for the on-site construction activities. The purpose of this meeting shall be to discuss and clarify the limits of clearing and grading, areas of tree preservation, tree protection measures, and the erosion and sedimentation control plan to be implemented during construction.
13. In no event shall any area on the site be left denuded for a period longer than 14 days except

for that portion of the site in which work will be continuous beyond 14 days.

14. The applicant shall submit a tree preservation plan as part of the first and all subsequent site plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and shall be subject to the review and approval of Urban Forest Management, DPWES.

The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 10 inches in diameter and greater, and 20 feet to either side of the limits of clearing and grading shown on the special permit plat for the entire site. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the plat, and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of trees identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.”

All tree preservation-related work occurring in or adjacent to tree preservation areas shall be accomplished in a manner that minimizes damage to vegetation to be preserved including any woody, herbaceous or vine plant species that occurs in the lower canopy environment, and to the existing top soil and leaf litter layers that provide nourishment and protection to that vegetation. Any removal of any vegetation or soil disturbance in tree preservation areas including the removal of plant species that may be perceived as noxious or invasive, such as poison ivy, greenbrier, multi-floral rose, etc. shall be subject to the review and approval of Urban Forest Management, DPWES.

The use of motorized equipment in tree preservation areas will be limited to hand-operated equipment such as chainsaws, wheel barrows, rake and shovels. Any work that requires the use of motorized equipment, such as tree transplanting spades, skid loaders, tractors, trucks, stump-grinders, etc., or any accessory or attachment connected to this type of equipment shall not occur unless pre-approved by UFM, DPWES.

The applicant shall 1) root prune, 2) mulch, and 3) provide tree protection fencing in the form of four foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart, or other forms of tree protection fencing approved by Urban Forest Management, DPWES for all tree preservation areas. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets and demolition plan sheets of the site plan submission. The details for these treatments shall be reviewed and approved by Urban Forest Management, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- Tree protection fence shall be installed immediately after root pruning, and shall be

positioned directly in the root pruning trench and backfilled for stability, or just outside the trench within the disturbed area.

- Immediately after the phase II E&S activities are complete, mulch shall be applied at a depth of 4 inches extending 10 feet inside the undisturbed area without the use of motorized equipment
- An Urban Forest Management, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.*

15. A minimum of 60% of the site shall be preserved as undisturbed open space. There shall be no clearing or grading of any vegetation in the undisturbed open space except for dead or dying vegetation, as determined by UFM. No structures or fences shall be permitted in the area of undisturbed open space.
16. If public sanitary sewer is not available, a special permit amendment will be required to incorporate a septic drainfield on the site.
17. If blasting is required, and before any blasting occurs on the application property, the applicant will insure that blasting is done per Fairfax County Fire Marshal requirements and all safety recommendations of the Fire Marshal, including, without limitation, the use of blasting mats, shall be implemented.
18. If DPWES, in coordination with the Air Quality and chemical Hazards Section of the Health Department and with the Soil Science Office, determines that a potential health risk exists caused by the presence of rock containing asbestos on the site, the developer shall:
 - a. Take appropriate measures as determined by the Health Department to alert all construction personnel as to the potential health risk.
 - b. Commit to appropriate construction techniques as determined by DPWES, in coordination with the Air Pollution Control Division and with the Soil Science Office, to minimize this risk. Such techniques may include, but shall not be limited to, dust suppression measures during all blasting and drilling activities, covered transportation of removed material presenting this risk and appropriate disposal.
19. Any proposed lighting shall be provided in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance. All lighting shall be full cut-off luminaries and shall be controlled by timers (except for security lighting). No uplighting of landscaping, signage or architecture shall be permitted.
20. The maximum height of the building, measured from the lowest ground level to the top of the building, excluding the spire, shall be 60 feet.
21. Unless required by DPWES to construct a dry stormwater detention pond, the applicant shall provide bioretention Stormwater management/Best Management Practices facilities that include, to the extent possible, plant materials that can assist in screening the development from Braddock Road. Subject to approval by DPWES, the pond shall be designed with structural elements to increase holding time, such as sediment traps and forebays and/or trickle ditch check dams to divert water into the pond floor. The pond shall be designed to encourage the establishment of a shallow marshy wetland floor to create a naturalized planted

environment.

22. The applicant shall obtain a sign permit for any proposed sign in accordance with the provisions of Article 12 of the Zoning Ordinance.
23. A geo-technical engineering and soil study shall be submitted to DPWES for review and approval as determined necessary by DPWES and implemented as determined by DPWES.
24. Notwithstanding that which is shown on the plat, the temporary trailers and associated parking shall be placed on Lot 25 in an area to be cleared for the main place of worship, driveway, and/or parking lot.
25. The temporary trailer depicted on the plat shall be approved for a time period not to exceed five years from the date of approval of this special permit amendment application. Development Condition Numbers 1, 2, 3, 4, 16, 19, 22 and 25 shall be implemented prior to the issuance of the Non-RUP for the trailer. The trailer shall have a maximum of 100 seats. Thirty-three (33) parking spaces shall be provided prior to issuance of the Non-RUP for the trailer, in an area now depicted as a parking area on the Special Permit Plat. Additionally, the access road shall be constructed and transitional screening along Braddock Road adjacent to the access road, as depicted on the plat, shall be installed prior to issuance of the Non-RUP for the trailer.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Ms. Gibb seconded the motion, which carried by a vote of 5-2. Mr. Beard and Mr. Byers voted against the motion.

A Copy Teste:

Kathleen A. Knoth
Clerk to the Board of Zoning Appeals